

REMARKS

Claims 1-3, 13, 15-18, 22-26 and 38-40 are currently pending in the application. However, claims 16 and 17 have been withdrawn from consideration. Claims 3 and 13 are amended for consistency. Claims 4-12, 19-21 and 27-37 had been cancelled without prejudice. No new matter has been added.

1. Rejection Of Claims 3, 13 and 38-40 Under 35 U.S.C. §112, First Paragraph

Claims 3, 13 and 38-40 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The Office states “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” The Office further states “[i]t is not clear how the means for receiving and transmitting audio and visual information dual displays and microphones would be constructed and function within a single housing.” The rejection is respectfully traversed.

The rejection under 35 U.S.C. 112, first paragraph, appearing in the Office Action of January 23, 2009, is phrased virtually identical to the rejection under 35 U.S.C. 112, first paragraph, appearing in the previous Office Action dated May 29, 2008. In addition, with regard to the rejection under 35 U.S.C. 112, first paragraph, the “Response to Arguments” section of the Office Action of January 23, 2009, appears to be a virtual copy of the Response to Arguments section of the Office Action of May 29, 2008. Because the Examiner’s remarks appear to be copied from the previous Office Action, it appears that none of the Applicant’s responsive remarks have been addressed. Applicant requests reconsideration of the grounds of the rejection in view of Applicant’s remarks (in the Response To Office Action filed October 28, 2008, and below).

For example, the Examiner’s comments in the “Response to Arguments” section begins with the statement that “Applicant’s arguments received 3/17/08 have been fully considered.”

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Thus, the Examiner expressly refers to Applicant's arguments from March 17, 2008. However, the Examiner did not indicate in that section that Applicant's Response filed October 28, 2008, was considered.

The Examiner's next several remarks are copies of the Examiner's remarks in the "Response to Arguments" section of the previous Office Action dated May 29, 2008, and are clearly directed to respond to Applicant's remarks from the earlier Response filed March 17, 2008, not to the remarks in the October 28, 2008, Response. Many of the Examiner's statements are directed to remarks in the Response of March 17, 2008 and do not relate to or address Applicant's arguments presented in the Response dated October 28, 2009. Accordingly, it appears that Applicant's remarks (as presented in Applicant's Response dated October 28, 2008) responding to the rejection under 35 U.S.C. 112, first paragraph, have not been considered or addressed.

Applicant continues to traverse the rejection under 35 U.S.C. 112, first paragraph for reasons as discussed in the October 28, 2008 Response. Because those reasons for traversal (as expressed in Applicant's remarks in the Response dated October 28, 2008) do not appear to have been addressed in the new Office Action of January 23, 2009, Applicant re-emphasizes those remarks, as follows. Many of the following comments relate to claim 3, but apply to claims 13 and 38-40, as well. In particular, as shown below, it is clear from the record that each of claims 3, 13 and 38-40 meet the written description requirement, including being supported by express written disclosure and drawings of illustrative examples, showing that the inventors had possession of the claimed invention. In addition, each of claims 3, 13 and 38-40 would have been enabled to one of ordinary skill in the art, based on the teachings of the present disclosure and ordinary knowledge of communication device technology. The Examiner has not expressed any proper ground of rejection of the claims under 35 U.S.C. 112, second paragraph.

a. Claims Meet Written Description Requirement:

It is submitted that claim 3 complies with 35 U.S.C. 112, first paragraph, including the written description requirement thereof.

Claim 3 recites a communication services system as claimed in claim 2, wherein the

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plurality of user computers comprise a first user computer and a second user computer. Claim 3 further recites that the first user computer and second user computer are contained within a single housing. Claim 3 also recites that first means for manual input/output of audio and visual information for the first user computer resides on the first side of the housing and second means for manual input/output of audio and visual information for the second user computer resides on the second side of the housing. Similar features are recited in claims 13 and 38, but with a user computer comprising a housing having first and second sides and a first display means and first input means on the first side of the housing and second display means and second input means on the second side of the housing.

An example of a system that includes a first user computer and a second user computer contained within a single housing is described and illustrated in the original application, with reference to Figs. 3-6 and page 41, line 7 to page 42, line 2, including the following statement:

“In another preferred embodiment, a plurality of user computers can be contained within a single housing system. For instance, with reference to Figures 3 and 4, two user computers can be contained within a single housing 24 having a first side 26 and a second side 28, wherein the means for receiving and transmitting the audio and visual information for the first user computer resides on the first side of the housing 26 and the means for receiving and transmitting the audio and visual information for the second user computer resides on the second side of the housing 28.” (page 41, lines 7-13.)

As represented by the above-quoted portion of the specification, each of the above-noted features of claim 3, 13 and 38 is described in the written text, including a first user computer and a second user computer contained within a single housing, (first) means for manual input/output of audio and visual information for the first user computer on the first side of the housing and other (second) means for manual input/output of audio and visual information for the second user computer on the second side of the housing.

Claim 3 further recites that the system is configured to allow the first user to access the first user computer at the same time that the second user is able to access the second user

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computer. Examples of such features are shown in Figs. 5 and 6 and described on page 40, line 13 to page 41, line 2.

“In this manner, and with reference to Figure 5, a user, such as a doctor, could stand across from the hearing impaired person such that the user is viewing a visual transmitter on the first side, such as a screen and the hearing impaired person is viewing a visual transmitter on the second side, such as a screen.” (page 40, lines 14-17.)

One of ordinary skill in the art would clearly understand from such description and Figs. 3-6, that the inventors had possession of the above-recited features of claims 3, 13 and 38. The correspondence of the express, written description in the specification to the claim language and the visual representations of examples in the drawings, shows that the specification would have conveyed to one skilled in the art, that the inventors had possession of the above-noted features recited in claims 3, 13 and 38.

The Examiner stated that “the pointed to sections of the specification by the applicant further emphasizes the lack of written description as to how the device is constructed” (Office Action date January 23, 2009, pg. 6, ll. 2-4). To the contrary, Applicant has pointed to specific examples of written disclosure and illustrations, relating to features as recited in the claims. The construction of the device is described in the specification and shown in the drawings of Figs. 3-6 (which clearly show a housing structure having input/output devices arranged to face outward on two opposite-facing sides).

For example, where claim 3 recites “a first user computer and a second user computer” that “are contained within a single housing,” Applicant has shown written description and drawings of an example of two user computers can be contained within a single housing 24. The drawings of Figs. 3-6 show an example of a housing 24 as a box-like structure that clearly would be well within the understanding of one of ordinary skill in the art.. Where claim recites that “the housing having a first side and a second side, the first user computer having a first means for manual input/output ... on the first side of the housing and ... second means for manual input/output ... on the second side of the housing,” Applicant has shown written

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description and drawings of an example of a housing 24 “having a first side 26 and a second side 28, wherein the means for receiving and transmitting the audio and visual information for the first user computer resides on the first side of the housing 26 and the means for receiving and transmitting the audio and visual information for the second user computer resides on the second side of the housing 28.” (See, e.g., Specification, page 41, lines 7-13.) Again, the drawings of Figs. 3-6 show that the housing 24 that has two opposite sides, with input/output devices on the two opposite sides, in a configuration that would be well within the understanding of one of ordinary skill in the art.

It is submitted that one of ordinary skill in the art would clearly understand from the original disclosure, including Figs. 3-6, that the inventors had possession of the features recited in claims 3, 13 and 38-40. The rejection of claims 3, 13 and 38-40 as lacking written description is, therefore, respectfully traversed.

b. Claims Meet Enablement Requirement:

The Examiner argues that it is not clear *how* the means for receiving and transmitting audio and visual information dual displays and microphones would be constructed and function within a single housing.

It is respectfully submitted that the specification and drawings are sufficient to convey to one of ordinary skill in the art sufficient information to know how the claimed invention can be constructed and function. Examples illustrated in the drawings of Figs. 3-6 show a housing 24 that has two sides (two faces) 26 and 28. Those drawings also show that devices for manual input and output of audio and visual information can be supported in the housing in a manner such that such devices are accessible for manual input of information from each of the two sides of the housing. In the illustrated examples, display screens, microphones and cameras are arranged in user-accessible positions on each of the two sides 26 and 28 of a housing 24. Based on the express description and drawings of Figs. 3-6, it is respectfully submitted that one of ordinary skill in the art would be able to construct a single housing that supports first and second sets of input/output devices on two respective sides. The use of ordinary mounting hardware, as well as specially designed mounting structures would be well within the level of skill of one of

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ordinary skill in the art, once taught (by the present specification) to arrange input/output devices on two sides of a housing.

In addition, the manner in which first and second user computers function in separate housings is well known in the art. It would be well within the skill of one of ordinary skill in the art to contain first and second computers in a single housing, once taught by the present disclosure to do so. The first and second computers may provide input/output and processing functions described in the present application, just as two separately housed computers would function, but inside of a single housing with first and second sets of input/output devices arranged on two respective sides of the housing. However, by containing the two computers in a single housing with input/output devices on two sides of the housing, significant advantages in operation, efficiency and usability are provided, as described in the present specification with respect to the description of Figures 4-6. Just as it was within the level of skill of one of ordinary skill in the art to contain and operate first and second computers in first and second respective housings, it is respectfully submitted that it would have been well within the level of skill to contain and operate first and second computers in a single housing, but arranged with input/output devices on two sides of the housing, as claimed, once taught to do so by the present application. Similar comments apply with respect to containing a computer having first and second display means and first and second input means residing on first and second respective sides of the housing as recited in claim 13 and the housing recited in claim 38.

Accordingly, it is respectfully submitted that the claims 3, 13 and 38-40 comply with 35 U.S.C. 112, first paragraph. The rejection of those claims is, therefore, respectfully traversed.

With regard to the Examiner's statements about this rejection in the section of the Office Action titled "Response to Arguments," Applicant respectfully traverses the Examiner's statement that "Applicants argue that the inventive step is the 'concept' of having a dual display." Instead, Applicants submit that the invention is the complete claimed invention, not a concept of having dual displays. Rather, the invention recited in claim 3, for example, includes features of parent claim 1 (including means for receiving and transmitting information between the provider computer and the at least one user computer, the information relating to a request for interpretive services, and means for communication on the communication network with at

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least one of the plurality of interpreter computers via the provider computer to request interpretation services for interpreting communications between the first user and the second user), as well as further features of claim 3 (including a first user computer and second user computer, wherein the first user computer and second user computer are contained within a single housing, the first computer having first means for manual input/output of audio and visual information on the first side of the housing, the second computer having second means for manual input/output of audio and visual information on the second side of the housing, to allow the first user to access the first user computer at the same time that the second user is able to access the second user computer). It is improper to characterize the claimed invention as having an inventive step in the concept of a dual display, when the claims recite a communication services system and methods that involve many features operating together in an overall inventive configuration and process.

In addition, the Examiner argued that Applicant's examples of the level of skill in the art show that the claim features are not novel. However, the claims are directed to systems and methods that include many features that operate together to form the inventive configuration and process. The Examiner has not shown any prior art that discloses or suggests the overall invention recited in the claims (regardless of whether or not a single feature of a claim may be in the prior art). The claims must be examined, as a whole with regard to patentability over the prior art.

2. Objection To Claim 13

Claim 13 was objected to as being improperly based on a cancelled claim. In response, claim 13 is amended herein to depend on claim 1 and for further consistency. No new matter is added to the application by the amendment. Applicant requests that the objection to claim 13 be withdrawn.

3. Rejection Of Claims 3, 13 and 38-40 Under 35 U.S.C. §112, Second Paragraph

Claims 3, 13 and 38-40 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

More specifically, the Examiner states:

“Claims 3, 13 and 38-40 recites the means for receiving and transmitting audio and visual information contained with a first user computer and a second user computer. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to which computer the means resides. In claim one, there is a user computer and provider computer communication audio and visual information, with both users accessing the user computer, however, there is no mention of a second user computer interaction with the first user computer (just the provider computer in communication with the user computer). Although the first and second user computer is more clearly defined, a more clear relationship between the user computer and the provider computer is needed.”

(Office Action dated January 23, 2009, Section 5.)

The above-quoted commentary from the Examiner appears in the Office Action dated January 23, 2009, but is a virtual copy of the Examiner's comments in the Office Action dated May 29, 2008. Applicant had already addressed those comments in Applicant's remarks submitted in the Response dated October 28, 2008. However, the Examiner did not address the Applicant's remarks. Instead, the Examiner presented a virtual copy of the Examiner's previous remarks.

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Furthermore, the above-quoted commentary refers to claims 13 and 38-40, but does not appear to relate to the language of those claims. For example, none of the claims 13, 38, 39 or 40 recite “a first computer” and “a second computer.” Accordingly, it is not clear why claims 13, 28, 29 and 40 are included in the rejection.

Furthermore, Applicant continues to traverse the rejection under 35 U.S.C. 112, second paragraph for reasons as discussed in the October 28, 2008 Response. Because those reasons for traversal (as expressed in Applicant’s remarks in the Response dated October 28, 2008) do not appear to have been addressed in the new Office Action of January 23, 2009, Applicant re-emphasizes those remarks, as follows.

More specifically, it is noted that claim 3 is dependent on claim 2. Claim 2 is dependent on claim 1 and recites that the “at least one user computer” (as in claim 1) comprises “a plurality of user computers.” Claim 3 further recites that the “plurality of user computers” (as in claim 2) comprise “a first user computer” and “a second user computer.” Thus, there is clear antecedent basis for “the plurality of user computers” referenced in claim 3 (by virtue of the plurality of computers introduced in claim 2). In addition, it is clear from the express language of claim 3 that the plurality of user computers comprise the first and second user computers in claim 3.

Claim 3 also recites “the first user computer having a first means for manual input/output of audio and visual information ... and wherein the second user computer having a second means for manual input/output of audio and visual information ...” The claim provides antecedent basis for “the first user computer” and “the second user computer” (by virtue of the phrase in lines 2 and 3 of the claim that recites “wherein the plurality of user computers comprise a first user computer and a second user computer ...”).

Claim 13 does not refer to “a first user computer” and “a second user computer” but, instead, refers to “the at least one user computer” as comprising “a user computer that comprises a first display means and a first input means” and “a second display means and a second input means.” Claim 13 is dependent on claim 1 and provides antecedent basis for “the at least one user computer” by virtue of the phrase “at least one user computer” in lines 2-3 of parent claim 1.

Claim 38 also does not refer to “a first user computer” and “a second user computer,” but,

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instead, refers to “at least one user computer.” Claim 38 provides proper antecedent bases for the at least one user computer, for example, in line 5 of claim 38.

Accordingly, it is submitted that sufficient antecedent basis is provided for each feature of claims 3, 13 and 38-40.

With regard to the Examiner’s statement that it is not clear as to which computer the means resides, it is noted that claim 3 clearly recites that the first computer has a means for manual input/output of audio and visual information and the second user computer has a means for manual input/output of audio and visual information. For further clarity, claim 3 was previously amended to recite “first” means for manual input/output of audio and visual information and “second” means for manual input/output of audio and visual information. Thus, each of the first and the second user computers have such means (“first” means for the first computer and “second” means for the second computer). With respect to claim 13, it is noted that the claim refers to “the user computer,” and does not require plural computers.

With regard to the Examiner’s statement that claim 1 refers to a user computer and provider computer, “with both users accessing the user computer, however, there is no mention of a second user computer interaction with the first user computer (just the provider computer in communication with the user computer),” it is noted that lines 2 and 3 of claim 1 recite “at least one user computer” (not “a user computer”). Claim 1 was previously amended (along with certain dependent claims) to consistently refer to “the at least one user computer” instead of “a user computer.” Accordingly, claim 1 refers to “at least one user computer.”

Also, claim 2 recites that “the at least one user computer comprises a plurality of user computers.” One of ordinary skill in the art would understand that “at least one computer” can include “a plurality of computers,” which can include first and second computers as recited in claim 3. Accordingly, it is submitted that the first and second user computers of claim 3 has proper antecedent basis and would be well understood by one of ordinary skill in the art.

With regard to the Examiner’s statement that “there is no clear relationship between the user computer and the provider computer,” claim 1 (base claim for claim 3) recites “means for receiving and transmitting information between the provider computer and the at least one user computer.” Accordingly, it is submitted that a relationship between the “at least one user

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computer” and the “provider computer” is expressly recited in the claims. (They are related in that the system has means for receiving and transmitting information between at least one user computer and the provider computer.)

With regard to the Examiner’s statement that “Although the first and second means are defined, a more clear relationship between the user computer and the provider computer is needed,” Applicant respectfully submits that the claims provide a clear relationship as discussed above (including means for receiving and transmitting information between the provider computer and the at least one user computer). However, for purposes of expediting the allowance of the application, claim 3 is amended herein to recite that relationship again, as “the system is configured to allow the first user to access the first user computer to receive or transmit information between the provider computer and the first user computer at the same time that the second user is able to access the second user computer to receive or transmit information between the provider computer and the first user computer.” A similar amendment is made to claim 13. Thus, it is respectfully submitted that the claims provide a clear relationship between the provider and user computers.

For reasons as discussed above, it is respectfully submitted that claims 3, 13 and 38-40 are in compliance with 35 U.S.C. 112, second paragraph.

4. Rejection Of Claims 1, 2, 14, 15, 18, 22-26:

The Office rejects claims 1, 2, 14, 15, 18 and 22-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,926,787 to Bennett et al. in view of U.S. Patent No. 6,370,498 to Flores et al. The Applicant respectfully disagrees and traverses this rejection.

As discussed in further detail below, the majority of the Examiner’s comments regarding the rejection and the Examiner’s Response to Arguments section of the Office Action dated January 23, 2009, appear to be virtually copied from the Office Action dated May 29, 2008. As such, the Examiner’s comments and response to arguments do not address the claim amendments and Applicant’s remarks presented in the Response dated October 28, 2008. Because the Examiner’s rejection and comments appear to relate to the claims, prior to the amendment and

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remarks presented in October 28, 2008, the Examiner has not raised a prima facie case of obviousness against the present claims. Furthermore, as discussed below, the claims, on their face, are patentably distinguished over the Bennett et al. and Flores references.

Claim 1 recites “means for communication on the communication network with a human interpreter on at least one of the plurality of interpreter computers via the provider computer ...”

Accordingly, claim 1 refers to a human interpreter in the body of the claim to reinforce a distinction over Bennet and Flores.

As previously argued, the Bennett disclosure “relates to a computer-aided *transcription* system used by court reporters which provides readable testimony to attorneys, judges, court reporters, witnesses and clients in real time.” (emphasis added) Col. 1, lines 25-28. In Bennett, a court reporter, using a set of keys “in various combinations and sequences to represent spoken words” (col. 1, lines 36-39) records testimony in open court. These key-strokes are transcribed into pre-assigned words, wherein the key-stroke and associated word is stored in a cross-reference database. The transcription ability of the Computer Aided Transcription (“CAT”) system in the Bennett reference is limited by the cross-reference library provided by the court reporter.

The Applicant reasserts and reincorporates its prior arguments. Claim 1 was previously amended to include “a plurality of interpreter computers, each interpreter computer has an input/output device for manual operation by a respective one of the *human* interpreters.” Claim 1 was further amended, as noted above, to recite “means for communication on the communication network with a human interpreter on at least one of the plurality of interpreter computers via the provider computer ...”

Additionally, the body of claim 22 recites several features relating to “human interpreters.” For example, claim 22 recites “comparing, on the provider computer, user-selected service criteria with the predefined set of service criterion of the one of the plurality of *human interpreters* to determine a degree of match.” (emphasis added) In addition, claim 22 recites “selecting one of the plurality of *human interpreters* from the degree of match.” (emphasis added) Claim 22 further recites “transmitting, from the user computer, information to be interpreted to the selected *human interpreter*” and “receiving, on the user computer, a response

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from the selected *human interpreter* ...” (emphasis added)

The Examiner has not addressed the above features of claims 1 and 22. Instead, as discussed below, the Examiner has erroneously repeated a statement from the previous Office Action, that “the human interpreter aspect of claim 1 has no patentable weight since it is not reinforced in the body of the claim.” However, claim 1 had been amended in the Response filed October 28, 2008, to recite “means for communication on the communication network with a human interpreter on at least one of the plurality of interpreter computers.” Thus, the Examiner’s comments do not apply to the claims, in their present form. The Examiner has, thus, failed to raise a prima facie case of obviousness.

Also, in vast contrast to claim 1, the Bennett reference utilizes an *automated* process for translating the stenographers (users) input codes into language readable by the attorneys. The libraries in the Bennett system are cross reference libraries that corresponds the input to a predesignated output, which automatically cross reference the input to the predefined output. In Bennett, it is “CAT [that] offers an interpretation”, as stated by the Office at page 3, which is automated. The CAT has no “input/output device for manual operation by a respective one of the human interpreters” (claim 1) or “means for communication on the communication network with a human interpreter on at least one of the plurality of interpreter computers ...” (claim 1) or ability to select one of a plurality of human interpreters from a degree of match of user-selected service criteria with service criterion of the human interpreters (claim 22) or provide a “response [that] is manually input by the selected interpreter” (claim 22).

Clearly, the ability of a human being to discern nuances in communication by the users and to appropriately select from a *number* of possible word choices is very distinctive from the slavish correlative procedure constrained by the “words” stored in the Bennett library. Additionally, language interpretation is more than correlating words in language A to words in language B. It requires “interpretation” involving the nuances of culture and judgment performed by a *human*, including “reading” the expression on the faces of the persons speaking to and applying the interpreter’s evaluation of the “tone” of the person’s voice to make such evaluation to make such interpretations. It is a well-known truism that many times it is not what a person says that is the primary communication but rather *how* it is said. Only a human

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interpretation can factor in such considerations in performing linguistic interpretation services. Under current technical limitations such sophisticated analysis can *only* be performed by humans. The foregoing concept associated with the inherent limitation of computers informs of at least one of the problems solved by the instant invention and is not even addressed by Bennett. Moreover, unlike the interpreter in Bennett, the interpreter system in the present invention provides the users with the ability to change interpreters. This is not a feature obtainable in the Bennett system, as that system is limited by the predefined library. Accordingly, Bennett fails to teach or suggest any “input/output device for manual operation by a respective one of the human interpreters”, or other feature that provides that a “response is manually input by the selected interpreter”.

Accordingly, all of the limitations of claims 1 and 22 are not met by the Bennett reference. These features are further not found in the Flores reference. Thus, the combination of Bennett and Flores fails to teach or suggest independent claims 1 or 22. Accordingly, claims 2-3, 14-15 and 18, which depend directly or indirectly from claim 1, are also allowable. Similarly, claims 23-26, which depend directly or indirectly from claim 22, are also allowable.

In addition to the above, the combination of Bennett and Flores further fail to meet “a plurality of interpreter computers, wherein each interpreter has a predefined set of service criteria” as required in claim 22. Neither Bennett nor Flores teaches or suggests a “plurality of human interpreters” or any interpreter having “a predefined set of service criteria” as required by the language in claim 22. Further still, this combination fails to meet any of the remaining language in claim 22. More specifically, this combination fails to meet (a) “the first user requiring at least one of the plurality of human interpreters to facilitate communication with a second user; (b) comparing, on the provider computer, user-selected service criteria with the predefined set of service criterion of the one of the plurality of human interpreters to determine a degree of match; (c) selecting one of the plurality of human interpreters from the degree of match; (d) transmitting, from the user computer, information to be interpreted to the selected human interpreter; and (e) receiving, on the user computer, a response from the selected human interpreter, wherein the response is manually input by the selected human interpreter and corresponds to a interpretation of the transmitted information from the user computer.”

Regarding (a), neither reference teaches “the first user requiring at least one of the plurality of human interpreters to facilitate communication with a second user”. Regarding (b) neither reference teaches or suggests a plurality of human interpreters. Further, regarding (c), neither Bennett nor Flores “select[s] one of the plurality of interpreters from the degree of match.” Flores may select a specific language of a work, but that is a translation of the work, not the selection of “one of the plurality of human interpreters”. An interpreter is unnecessary since the work is already translated, and the stored translated work need only be displayed. See for example, col. 5, lines 27-58. As such, a human interpreter is not selected as required by the claim language. Accordingly, the claim language of (d) is not met either, as “the selected human interpreter” is not provided to the user since no interpreter is selected. Further still, the combination of Bennett and Flores fail to teach or suggest “receiving, on the user computer, a response from the selected human interpreter, wherein the response is *manually input* by the interpreter.”

For these and the reasons set forth above, the Bennett and Flores combination fails to teach every limitation in claim 1 or in claim 22, and thus, those claims are allowable. As stated above, since independent claim 22 is not met by this combination, and is allowable, dependent claims 23-26 are also allowable.

Regarding claims 14, 15, 18 and 23, the Office states that the combination of Bennett in view of Flores “teaches that the devices are not limited to pc’s”. The Office again refers to column 8, lines 18-24, but fails to identify which reference. The Applicant has reviewed this column in both patents and believes the Office intended to cite column 18, lines 18-24 of the Bennett reference. Column 18, lines 18-24 of the Bennett reference recites that “although a stenographic recorder 11 is illustrated ...other *recording* techniques are contemplated.” The reference cites a voice transcription technique or a pen-based note-pad computer having OCR software. This language fails to teach “a hand held device” as required by claims 14 and 18, “portable telephones, personal appointment managers, a Palm Pilot, and a personal communication device” as required by claim 15, or “a cellular telephone, a handheld device, wireless laptop, or Palm Pilot” as required by claim 23. Indeed, the Bennett device must be a *recording* technique that is usable in the courtroom and have the capability of performing the

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functions of the stenographic machine. In this regard Bennett teaches *away* from a live interpretation and translation process as described in the instant invention, and as required by the claim language. Further still, the recording technique is limited to the stenographer, and is not extended to the user computers. Thus, in combination, the claim language cannot be met as in claim 15 any of the “provider computer, user computer or interpreter computer” is selected from the identifiable group. Further still, the language of claim 32 is not met as the “interpreter possesses a wireless communication device and is capable of providing communication services while translocating from one location to another.” Indeed the CAT system is not intended to be separate from the court reporter as it is “the reporter’s terminal.” See Bennett, col. 5, lines 59-62. As the court reporter enters keystrokes it is transmitted to the CAT system. *Id.* The combination of Bennett and Flores therefore fails to teach “translocating from one location to another.”

The Office also cites col. 18, lines 5-11, but does not identify the patent number. As Bennett is the only one of the two patents in the rejection that has 18 columns, Applicant has reviewed that portion of the Bennett patent and found no mention of a hand-held device, a portable telephone, personal appointment manager, Palm Pilot, wireless laptop or personal communication device. Instead, the cited portion of Bennett refers to a remote database 551 that may store a common phoneme library, dictionary, common foreign language tables and common pronunciation index, and updating and maintaining database local counterparts with common and local cross-reference libraries.

Accordingly, the rejection of dependent claims 14, 15, 18 and 23 is further respectfully traversed.

5. Reply To Examiner’s Response To Arguments:

While the Examiner has included a Response to Argument section in the Office Action dated January 23, 2009, the Examiner’s comments in that section indicate that the Examiner has copied comments made in the Response to Arguments section of the previous Office Action dated May 29, 2008. As such, the Response to Arguments section of the Office Action dated

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January 23, 2009, does not appear to address Applicant's arguments or amendments made in the Response filed October 28, 2008. Applicant requests that the Examiner consider Applicant's amendments and remarks.


For example, the Response to Arguments section of the Office Action dated January 23, 2009 makes several references to Applicant's arguments, but refers to pages (and statements) from Applicant's Response dated March 17, 2008. The Examiner does not appear to address Applicant's remarks or the amendments made to the claims in Applicant's Response dated October 28, 2008. Thus, the Examiner's arguments (and alleged Response to Arguments) do not address the claims in their current form. At least for that reason, as well as the distinctions discussed above, the Examiner has failed to raise a prima facie case of obviousness against the pending claims.

In addition, the Examiner further argued that "the human interpreter aspect of claim 1 has no patentable weight since it is not reinforced in the body of the claim." However, the Examiner's argument does not take into account the amendment made to claim 1 in Response dated October 28, 2009. As discussed in Applicant's Response dated October 28, 2009, claim 1 was amended to recite means for communication on the communication with a human interpreter on at least one of the plurality of interpreter computers. Apparently, the Examiner copied comments presented in the previous Office Action, without consideration of the amendment made to claim 1. Applicant requests that the claims, as amended in the Response dated October 28, 2009, and presented again herein be considered.

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Accordingly, the Office has not raised a prima facie case of obviousness with regard to dependent claims 14, 15, 18 and 23. The rejection of those claims is further traversed. The Applicant contends that the claims are now in allowable form and respectfully request entry of these amendments and allowance of these claims.

Respectfully submitted,



Gregory A. Piccionelli

Dated: April 21, 2009

Robert G. Klinefelter

Dated: April ____, 2009

2801 Townsgate Road, Suite 200
Westlake Village, California 91361

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